UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,435	12/14/2001	Mark Phillips	2222.0820003	6756

26111	7590	06/14/2005

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EXAMINER
WOZNIAK, JAMES S

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12/28/2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/14/2001</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1, 3-11, and 16-24** are rejected under 35 U.S.C. 102(e) as being anticipated by

Marx et al *(U.S. Patent: 6,173,266)*.

With respect to **Claim 1**, Marx discloses:

Utilizing one or more generic software components to develop a specific voice

application, the generic components being configured to enable the development of a specific

voice application *(Col. 3, Lines 28-39; Col. 4, Lines 21-33; and Col. 6, Line 39- Col. 7, Line 3)*;

Wherein the one or more of the generic software components further comprises a generic

dialog asset *(dialog modules, Col. 3, Lines 28-39; Col. 4, Lines 21-33; Col. 6, Line 39- Col. 7,*

Line 3; and Col. 8, Lines 19-51), wherein the generic dialog asset is stored in a repository *(Fig.*

3, Element 306; Fig. 4, Element 430; and Fig. 8, Element 830);

Deploying the specific voice application in a deployment environment, wherein the

deployment environment includes the repository *(Col. 6, Lines 14-22; Fig. 5)*.

With respect to **Claim 3**, Marx shows:

The deployment environment further comprises an application server *(computer*

containing the designed interactive voice application, Fig. 3).

With respect to **Claim 4**, Marx recites:

The deployment environment further comprises a dialog control component *(Col. 6,*

Lines 61-64).

With respect to **Claim 5**, Marx recites:

The deployment environment further comprises a dialog component (Col. 6, Lines 53-

60).

With respect to **Claim 6**, Marx discloses:

The deployment environment further comprises a voice application services layer *(Col. 6,*

Lines 23-30).

With respect to **Claim 7**, Marx discloses:

The deployment environment further comprises a rules integration layer *(Col. 13, Line*

59- Col. 14, Line 8).

With respect to **Claim 8**, Marx discloses:

The deployment environment further comprises a messaging layer *(Col. 20, Lines 33-41)*.

With respect to **Claim 9**, Marx discloses:

The deployment environment further comprises a voice services layer *(Col. 6, Lines 23-*

30).

With respect to **Claim 10**, Marx discloses:

The deployment environment further comprises a detail tracking layer *(Col. 14, Line 47-*

Col. 15, Line 5).

With respect to **Claim 11**, Marx discloses:

The deployment environment further comprises an external system *(Col. 5, Lines 49-67)*.

With respect to **Claim 16**, Marx discloses:

Utilizing one or more generic software components to develop a specific voice

application further comprises utilizing one or more generic software components during a design

phase to develop a specific voice application *(combined dialog modules, Col. 4, Lines 21-33;*

and Col. 8, Lines 19-51).

With respect to **Claim 17**, Marx recites:

The design phase further comprises a dialog design phase *(dialog module ordering to*

create a call flow, Col. 8, Lines 19-51).

With respect to **Claim 18**, Marx recites:

The design phase further comprises a voice coding phase *(Col. 16, Lines 11-25)*.

With respect to **Claim 19**, Marx discloses:

The design phase further comprises a rules definition phase *(Col. 20, Lines 17-32; Col.*

13, Lines 59-67).

With respect to **Claim 20**, Marx recites:

The design phase further comprises a phase wherein custom prompts are generated *(Col.*

12, Line 43- Col. 13, Line 10).

With respect to **Claim 21**, Marx recites:

The design phase further comprises a phase wherein custom grammars are developed

(Col. 17, Lines 35-42; and Col. 18, Line 47- Col. 19, Line 7).

With respect to **Claim 22**, Marx discloses:

The design phase further comprises a phase wherein standard prompts are utilized to

generate the specific voice user interface *(Col. 18, Lines 30-45)*.

With respect to **Claim 23**, Marx discloses:

The design phase further comprises a phase wherein standard grammars are sued to

generate the specific voice user interface *(Col. 18, Lines 47-56)*.

· With respect to **Claim 24**, Marx discloses:

The design phase further comprises a system test phase *(Col. 14, Lines 9-24)*.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 2 and 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marx et al in view of Uppaluru *(U.S. Patent: 5,915,001)*.

With respect to **Claim 2**, Marx teaches the method for designing an interactive speech

application as applied to Claim 1. Marx does not specifically suggest that a deployment

environment for the speech application utilizes a voice gateway, however, Uppaluru teaches the

use of a voice gateway in an interactive voice response system *(Col. 4, Lines 38-51; and Col. 6,*

Lines 6-46).

Marx and Uppaluru are analogous art because they are from a similar field of endeavor in interactive voice response systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Marx with the voice gateway taught by Uppaluru to provide a means of accessing additional Internet data through an interactive voice response system *(Uppaluru, Col. 1, Line 39- Col. 2, Line 19; Col. 4, Line 38-Col. 5, Line 2)*.

With respect to **Claim 12**, Marx further discloses a speech recognition engine *(Col. 7, Lines 29-46)*. Also, Uppaluru teaches a voice command interpreter *(Col. 6, Lines 24-46)*.

With respect to **Claim 13**, Uppaluru further teaches a telephone interface *(Col. 6, Lines 24-30)*.

With respect to **Claim 14**, Uppaluru teaches a means for providing prompts to a user (Col. 6, Lines 24-46, while Marx teaches that prompts may be generated using a speech synthesizer *(Col. 18, Lines 30-45)*.

With respect to **Claim 15**, Uppaluru teaches ASR implemented at a voice gateway *(Col. 16, Line 50- Col. 18, Line 15)*.

5.   **Claims 25-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marx et al in view of Britton et al *(U.S. Patent: 4,785,408)*.

With respect to **Claim 25**, Marx discloses:

Designing a dialog *(Col. 6, Lines 39-52)*;

Coding voice application software to invoke a dialog component *(Col. 6, Lines 39-60)*;

Defining one or more personality rules *(Col. 14, Line 47- Col. 15, Line 12)*;

Electing to proceed with one of a plurality of grammar development phases, the plurality

of grammar development phases including a standard grammar development phase and a custom

grammar development phase *(Col. 18, Lines 47-56)*;

Developing a grammar in accordance to the elected grammar development phase *(Col.

18, Line 56- Col. 19, Line 7)*.

Electing to proceed with one of a plurality of prompt development phases, the plurality of

prompt development phases including a standard prompts phase and a customized prompts phase

(Col. 18, Lines 30-45);

Developing at least one prompt in accordance with the elected prompt development phase

(Col. 18, Lines 30-45);

Performing integration to create a specific voice application *(Col. 4, Lines 21-33)*;

Testing the specific voice application *(Col. 14, Lines 9-25)*;

Deploying the specific voice application *(Col. 6, Lines 14-22; and Fig. 5)*.

Although Marx suggests that a designer may create customized prompts instead of

utilizing pre-recorded prompts and provides a means by which a designer can input such prompts

(Col. 4, Lines 39-44; and Fig. 3, Element 316), Marx does not explicitly disclose the recording

of such prompts, however, Britton discloses a system for developing interactive voice response

dialogs that features a means for recording a voice prompt *(Col. 14, Lines 11-18)*.

Marx and Britton are analogous art because they are from a similar field of endeavor in

designing interactive voice response systems. Thus, it would have been obvious to a person of

ordinary skill in the art, at the time of invention, to modify the teachings of Marx with the

specific method of recording a voice prompt as taught by Britton in order to provide a specific

means for generating a customized prompt as suggested by Marx *(Col. 4, Lines 39-44)*.

With respect to **Claim 26**, Marx further recites:

Designing a dialog further comprises definition of a prompt that is designed to elicit a

predictable response from a user *(Col. 18, Lines 30-45)*.

With respect to **Claim 27**, Marx further recites:

Designing a dialog further comprises generating a dialog flow *(Col. 6, Lines 31-38)*.

With respect to **Claim 28**, Marx further recites:

Designing a dialog further comprises developing the dialog flow into a script *(Col. 16,*

Lines 11-25).

With respect to **Claim 29**, Marx further discloses:

Developing software code that invokes the dialog component from a deployment

environment *(Col. 16, Lines 11-25)*.

With respect to **Claim 30**, Marx further discloses:

Defining one or more personality rules in order to impart desired personality features to

the specific voice application *(Col. 14, Line 47- Col. 15, Line 12)*.

With respect to **Claim 31**, Marx further discloses:

Developing a grammar further comprises developing a customized grammar *(Col. 18,*

Lines 47-56).

With respect to **Claim 32**, Marx further discloses:

Developing a grammar further comprises developing the grammar using standard pre-

generated grammar components *(Col. 18, Lines 47-56)*.

With respect to **Claim 33**, Marx further discloses:

Developing at least one prompt further comprises generating software code for invoking

a pre-designed generic prompt *(Col. 16, Lines 11-25; and Col. 18, Lines 30-45)*.

With respect to **Claim 34**, Britton teaches the means for recording a custom voice prompt

as applied to Claim 25.

With respect to **Claim 35**, Britton teaches the means for recording a custom voice prompt

as applied to Claim 25, while Marx teaches the software code as applied to Claim 33.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

Weeren et al *(U.S. Patent: 5,913,195)*- teaches a voice response unit development

system.

Bröde et al *(U.S. Patent: 6,035,275)*- teaches a dialog design system.

Hank et al *(U.S. Patent: 6,321,198)*- teaches a speech dialog application design system

and method.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632

and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-

Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wayne Young can be reached at (571) 272-7582. The fax/phone number for the

Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the technology center receptionist whose telephone number is (703) 306-

0377.

James S. Wozniak
6/7/2005

SUSAN MCFADDEN
PRIMARY EXAMINER